MT Miller Trust Guide

FREE GUIDE · GENERAL OVERVIEW

Miller Trust (Qualified Income Trust) Overview & Bank Call-Ahead Checklist

A plain-English overview of the Qualified Income Trust (QIT) — commonly called a Miller Trust — plus a general call-ahead checklist for the bank-account step, the part of this process that trips up the most families. Published by **millertrustguide.com**.

> **What it is, in one sentence.** A Qualified Income Trust is an irrevocable trust — authorized by federal law at 42 U.S.C. § 1396p(d)(4)(B) — that lets a long-term-care Medicaid applicant qualify despite having monthly income over their state's limit, by redirecting the excess into the trust instead of counting it toward the cap.

Why it has three different names

The trust takes its informal name from *Miller v. Ibarra*, the 1990 federal case that established it; federal law itself calls it a "qualifying trust." Each state then wrote its own label into policy: some call it a *Miller Trust*, most call it a *Qualified Income Trust*, and a few call it a plain *Income Trust*. All three names describe the same legal mechanism.

Which states actually need one

Only "income-cap" states, where income over the limit is an automatic disqualification with no other path around it. States that instead use a "medically needy" spend-down qualify over-income applicants a different way and don't use this trust at all. A few states are hybrids, where the trust applies only to specific programs rather than every Medicaid path in that state. Confirm which category your state falls into — and its exact 2026 income cap — before assuming a QIT applies.

What it costs

An elder-law attorney typically charges $1,000–$2,500 to handle a QIT from research through drafting. Where a state publishes its own official fill-in template, the core setup — completing that template and opening a dedicated bank account — is a task many families are able to handle themselves. Where no fill-in template exists, an attorney typically drafts the trust regardless.

Not the same as an asset-protection trust or the 5-year look-back

- **A QIT/Miller Trust** fixes an income problem happening right now. It holds ongoing income (Social Security, a pension), not a lump sum, and is set up at the point someone actually needs care.
- **A Medicaid Asset Protection Trust** is a different, separately-drafted irrevocable trust set up years in advance, holding savings or property — not income — to keep those assets out of Medicaid's reach later.
- **The 5-year look-back** isn't a trust. It's the rule examining the 60 months before a Medicaid application for gifts and below-market transfers. It governs assets given away in the past; it has no bearing on funding a QIT with current income.

Before you go to the bank — questions to ask first

Opening the trust's dedicated bank account is the step that most often turns one trip into two, because most branches have never opened this account type before. Ask these when you call ahead — if an answer raises a flag, that's useful to know before the drive, not after.

1. **Have you opened a Qualified Income Trust (Miller Trust) account before?**

   If the answer is no, ask specifically for the trust department (if the branch has one) or the branch manager directly — starting with a teller who's never handled one is the single most common way this turns into two trips instead of one.

2. **Will this account need its own EIN, or is the applicant's Social Security number enough?**

   Policy on this varies by state and sometimes by bank — some require the trust to obtain its own Employer Identification Number from the IRS before the account can be titled correctly; others accept the applicant's SSN. Confirm with the specific state's guide before the trip, since bringing the wrong number is a common reason for a second visit.

3. **Does this branch have a trust department, or a specialist who handles fiduciary accounts?**

   A branch that routes you to that specialist up front, instead of a general teller, is far less likely to need a second visit — worth asking for by name if the person who answers doesn't know.

4. **What documents will you need to see to open it?**

   At minimum expect to bring the signed trust document itself, photo ID for the trustee, and the applicant's Social Security card — some branches also ask for a Medicaid application confirmation or case number. Ask specifically rather than assuming, since the list is set by each bank's own compliance policy, not by Medicaid.

5. **How long does opening the account typically take once you're at the branch?**

   A fiduciary/trust account often takes longer to process than an ordinary checking account — asking sets expectations and flags whether the branch needs to route it to back-office trust operations before it's usable.

State-specific detail goes further than this

This overview is deliberately general. millertrustguide.com publishes a complete guide for each income-cap state it covers — the exact statute or policy citation, the state's own official form where one exists, the word-for-word response for the bank-refusal reasons that state's branches raise most often, and the exact 2026 income cap for that state.

Read the full QIT/Miller Trust explainer →

Verify this yourself

- Federal authorizing statute — 42 U.S.C. § 1396p(d)(4)(B)
- State-by-state figures and citations — millertrustguide.com

— James Whitfield, Miller Trust Guide · millertrustguide.com

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